NUMB. 67.

THE South-Carolina Gazette.

Containing the freſheſt Advices Foreign and Domeſtick

From **Saturday**, APRIL 21, to **Saturday**, APRIL 28, 1733.

In the Upper Houſe of Aſſembly, *Friday April* 20, 1733.

PRESENT

His Excellency the GOVERNOR,

The Hon. WILLIAM BULL, *Eſq;*
The Hon. ALEXANDER SKENE, *Eſq;*
The Hon. FRANCIS YONGE, *Eſq;*
The Hon. JAMES KINLOCH, *Eſq;*
The Hon. JOHN FENWICKE, *Eſq;*
The Hon. THOMAS WARING, *Eſq;*
The Hon. ROBERT WRIGHT, *Eſq;*
The Hon. JOHN HAMERTON, *Eſq;*

Read,

THE Petition of *Thomas Cooper*, *James Greeme*, and *Rowland Vaughan* now in the Cuſtody of the Meſſenger of the Commons Houſe of Aſſembly, praying his Excellency and his Majeſty's Council, to give them ſuch Relief, in relation to their Confinement, as they ſhall judge proper.

Read,

The Commons Houſe of Aſſembly, their Committment of the ſaid *Cooper*, *Greeme*, and *Vaughan.*

Reſolved,

That it appearing to this Houſe, that Dr. *Thomas Cooper* ſtands committed for aiding and aſſiſting the Deputy Surveyors in running out Patent Land, or Lands already run out, contrary to Law, and the Governor's Warrants, &c. which is a Crime of a very high Nature, and injurious to ſeveral of his Majeſty's Subjects; and that *James Greeme* and *Rolwand Vaughan*, Gents. Attornies at Law, are by the ſaid Houſe committed for Contempts and Breach of Privilege of the ſaid Houſe. That their Petition, praying Relief, be rejected.

Read,

The *Reſolutions* of the Commons Houſe of Aſſembly, publiſhed in the **Gazette** of the 14th Inſtant.

Read,

The Hon. Mr. Chief Juſtice's Speech to his Excellency and his Majeſty's Council, the 13th Inſtant.

Reſolved.

That it is the Opinion of this Houſe, that it is not for his Majeſty's Service, or the Intereſt of this Province, either to Prorogue or Diſſolve the preſent Aſſembly.

Read,

The Repreſentation of the Commons Houſe of Aſſembly, to his Excellency and Council of the 14th Inſtant.

Reſolved.

That it is the Opinion of this Houſe, that his Majeſty does allow (by his Inſtructions to his Excellency the Governor) the Commons Houſe of Aſſembly, the ſame Privileges as the Houſe of Commons doth enjoy in *England.*

Reſolved,

That it is the Opinion of this Houſe, that the Commons Houſe of Aſſembly, have a Right to commit Perſons for Breach of Privileges, and notorious Grievances, that may, or do affect the People of this Province, and have always practiſed and enjoy'd the ſame; and that in Caſes of Contempt, or Breach of Privilege, of any inferiour Court, and much more of the Court of Parliament, no Writ of *Habeas Corpus* will lye, or ought to be granted.

Upon reading and conſidering the ſeveral Facts that Dr. *Cooper*, Mr. *Greeme*, and Mr. *Vaughan* were committed for, to the Cuſtody of the Meſſenger of the Commons Houſe of Aſſembly. *It is*

Reſolved,

Resolved,

That it is the Opinion of this House, that the said Commons House have done no more, in committing those Persons, than the House of Commons in *England* have frequently done, in the like, or Cases of an inferior Nature.

Resolved,

That it is the Opinion of this House, that the *Resolutions* of the Commons House of Assembly, lately published in the **Gazette**, does not any Ways strike at his Majesty's Prerogative, or the Liberties of the People, as is suggested in Mr. *Chief Justice*'s Speech; and that his Expressions therein, relating to the said Commons House, are unprecedented.

Resolved,

That the Order, or Rule now laid before this House by *Robert Hall*, Esq; Provost Marshal, under the Chief Justice's Hand (directing him, the said Marshal, to make a Return within two Days after the Date of the said Order) of a Writ *ad Respondendum*, returnable the second Tuesday in *May* next, at the Suit of Dr. *Cooper*, against *John Brown*, Messenger of the Commons House of Assembly, is not according to Law, or the Rules and Practice of any Court in this Province: But that this House is satisfied by the Chief Justice, that he did not make the said Rule, with any Intent to Affront the Commons House of Assembly, or to urge the Provost Marshal to arrest the Officer of their House.

Resolved.

That the *N. B.* in the Margin, of the Speech of Mr. *Chief Justice Wright*, affixed at the Watch-House, *viz.* That the said *Chief Justice* was seconded in the said Speech, by the Hon. Mr. *Middleton*, and Mr. *Kinloch*, is an unjust Reflection on those two Hon. Gentlemen, being denied by them, and owned by the said *Chief Justice* to be put to the said Paper, without his Privity and Knowledge, and that the said Speech was not put there by any Directions of this House.

Resolved,

That the Speech of the Hon. *Francis Yonge*, Esq; is agreeable to the Sense and Opinion of this House; and that this House joins with him in the same.

Ordered,

That the several foregoing *Resolutions* of this House, be sent to the *Commons House of Assembly*.

By Order of the House,

J. BADENHOP, *C. P.*

The CHIEF JUSTICE's SPEECH in *COUNCIL*, April 13, 1733.

May it please your Excellency, and you Gentlemen of His Majesty's Council.

I Am under the greatest Concern imaginable, that there should be any Disputes, or Animosities amongst us in this Province, and more especially, since we have the Happiness to be under the immediate Protection and Government of his Majesty, that we should spurn at his Authority.

Far be it from me to dispute the known Privileges of the Lower House of Assembly, I acknowledge they have many undoubted Ones, and those have been as duly and justly granted to them by your Excellency.

But these *Resolutions* are of a most extraordinary Nature, tending to the Subversion of all Government, by disallowing his Majesty's undoubted Prerogative, renouncing all Obedience to his Writs of *Habeas Corpus*, and assuming to themselves a Power to abrogate and make void the known Laws of the Land, by arbitrarily imprisoning their Fellow Subjects.

They proceed still farther, and in a most daring and contemptuous Manner publish the same, by affixing them to the Door of the *Council Chamber*, requiring the Chief Justice to observe them as Laws, and to supersede his Majesty's Writs of *Habeas Corpus*, by him legally granted.

This being so bold an Attack upon his Majesty's Authority and the Laws of the Land, I conceive that it can't take much time for your Excellency and this Board, to consider what ought to be done in so weighty an Affair; for my part, I must declare, that these *Resolves* are no Laws, and therefore shall little Regard them, being sworn to the contrary, and to the due Observance of the Laws of the Land, and to maintain and support his Majesty's Prerogative, so audaciously attack'd by these *Resolves*.

These unwarrantable *Resolutions* are of the utmost ill Consequence to this Province, as they strike at his Majesty's Prerogative, the Liberty's of the Subject, and the fundamental Laws of the Land; and should I condescend to, or countenance them, so far as to act in concert with those who made and published them, I should break my Oath, betray my Trust, give up his Majesty's Prerogative, and the Liberties of the People, in a most shameful and dishonourable manner; and

and thereby become guilty of a *Premunire*, if not a Crime of an higher Nature.

I ſhall therefore, with great Submiſſion, beg Leave to offer my beſt Advice in this important Affair, which is, that your Excellency and this Honourable Board, would put a Stop to theſe arbitrary, violent, and illegal Proceedings, by a Diſſolution of this Aſſembly, or by ſuch means as your Excellency and Council ſhall think proper, on which the Liberties of the People, and the Peace and Welfare of this Province ſo much depend.

ROBERT WRIGHT.

FOREIGN AFFAIRS.

LEGHORN, *Jan.* 30. Our laſt Advices from France ſay, the King has ſent Orders to his Conſul at Algiers, to demand the immediate Reſtitution of the Paſſengers with their Effects, raſhly ſeized by the Algerines on board of Veſſels carrying the French Flag. From Barcelona, that publick Invitation is poſted up there to all foreign Veſſels to ſerve as Tranſports in the next Expedition, and that the Britiſh Veſſel lately brought in there with Ammunition, &c. bound for Algiers, has been declared a good Prize, the Veſſel however was releaſed, with its Crew, and the Captain paid his Freightage.

Berlin, Feb. 7. Two Days ſince an Expreſs from Zulicho brought Word of a Courier having paſſed thro' there the ſame Day, on his way to Paris, with Advice of the Death of the King of Poland on the 1ſt Inſtant, between four and five in the Morning, in the 63d Year of his Age. The ſame Account is ſince confirmed by other Expreſſes, with theſe particulars; that the King found himſelf much out of Order on his Arrival at Warſaw, ſo that in alighting from his Coach, they were obliged to ſupport his Majeſty to conduct him to his Apartment; in walking thither, the King unluckily ſtruck the great Toe of his lame Foot ſo violently, that the Blood followed, and his Majeſty ſwooned away, & ſo continued ſome Hours: A Fever enſuing, with a Gangreen, made Death inevitable. The next Day it was declared to the people with the uſual Ceremony. His Majeſty hath not diſpoſed of the vacant Poſts.

Paris, Feb. 28. Private Letters from *Madrid* mention a bloody Battle lately fought between the Army of Bigotillos, and that of a powerful *Mooriſh* Prince, his Neighbour in *Africa*, wherein the former was entirely defeated.

LONDON,

Feb. 10. John Hart, Eſq; formerly Captain General of his *Majeſty's* Leeward Iſlands in America, we hear, will be made Governor of Jamaica: That

William *Matthew*, Eſq; who was his Lieutenant General, and Governor of St. Chriſtophers, will be made Captain General of the Leeward Iſlands: And

Gilbert Fleming, Eſq; who was one of the Commiſſioners for ſelling the French Lands in St. Chriſtophers, will be made Lieutenant General of the ſaid Iſland.

Feb. 15. It is ſaid the Candidates for the Kingdom of Poland, are, the Elector of Saxony, King Staniſlaus, the Pretender, and General Poniatosky. Alſo

Don Emanuel, Brother to the King of Portugal, and is to be ſupported therein by the Intereſt of his Brother, and the Czarina.

CHARLESTOWN, *April* 28.

On *Monday* laſt was eſtabliſhed the ST. GEORGE'S SOCIETY, in Honour of the Patron of *England*; and *John Bayly*, Eſq; was choſen *Preſident*; and at Night they had an elegant Supper, at the Houſe of *Mr. Robert Raper*.

On Wedneſday Night laſt, *Mrs. Godin* was delivered of a dead Child by Dr. *Dale*, and is now in a fair way of Recovery.

This Week, *Mr. Vaughan*, *Mr. Greeme*, and Dr. *Cooper*, upon their petitions, were diſcharged out of the Cuſtody of the *Meſſenger* of the Hon. Commons *Houſe* of Aſſembly.

PRICES of the following GOODS.

Rice 27 s. 6 d. per Hund. Pitch 25 s. per Bar. Tar 25 s. Turpentine 23 s. 9d. per Hund. Skins 17 s. 6 d. per Pound. Wine 85 l. per Pipe. Indian Corn 10 s. per Buſhel. Peaſe 10 s. Staves 15 l. per Thouſand. Flour 3 l. per Hund. Brown Bread 3 l. 15 s. Middling 4 l. 10 s. White 6 l. 10 s. Barbadoes Rum 12 s. per Hogſh. Boſton None. Limejuice 15 s. per Hogſh. Melaſſes 7 s. 6 d. per Hogſh. Salt 10 s. per Buſhel.

EXPORTED from this PLACE ſince *Nov.* 3, 1732, to *April* 27, 1733.

Rice 36,400 Barrels, and 628 Baggs Pitch 7,858. Tar 2,858. Turpentine 427. Whereof 6,542 Barrels, and 538 Baggs of Rice for FOREIGN MARKETS.

CUSTOM-HOUSE, Charleſtown, *Entred in*,

Brigt. Brogden, John Jones from Pool.

Entred out. None.

Cleared for Departure.

Sloop St. Patrick, Nathaniel Coverley, to Providence.
Ship Baltick Merchant, George Mackenzie, to Cowes.

RUN away from *John Richards*, on the 19th Inſtant, a white Servant Man named *John Matthews*, (who went lately with his Maſter in a Pettiauger) he's about 18 Years of Age, ſhort, thick, and well ſet, with very ſhort Hair, a black Complexion and Pock-fretten: he had on when he went away, a pair of oznabrig Trowſers & Shirt, a pea Jacket lin'd with blue, an old pair of Pumps, and a Fox Skin Cap. Whoever takes up the ſaid Servant, and bring him to his Maſter, or Mr. *James Fowler* in *Charleſtown*, ſhall have 5 l. Reward, and reaſonable Charges.